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T 70.10: 86-1

INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: 86-1 Date: January 2, 1986

JAPANESE ENTRY AND MARKETING PROCEDURES

Proprietors of Distilled Spirits Plants, Bonded Wine Cellars and Breweries.

PURPOSE: The purpose of this industry circular is to inform those interested in exporting beverage alcohol to Japan that the Bureau of Alcohol, Tobacco and Firearms has prepared a report which provides information on Japanese requirements regarding customs entry procedures, tariff, taxes, labeling, licensing and advertising of wine, beer and distilled spirits.

This report is not being generally distributed but a single copy will be mailed, free of charge, to anyone requesting a copy. Recipients are free to make and distribute photocopies of the report with no constraints.

Requests should be addressed to:

Chief, Alcohol Import-Export Branch
Bureau of Alcohol, Tobacco and Firearms
Attn: Industry Circular -
P.O. Box 385
Washington, DC 20044 - 0385

This report has been verified as correct by the Japanese Ministry of Finance, the Japanese Ministry of Health and Welfare, the Japanese Fair Trade Commission and the other appropriate authoritative bodies of the Government of Japan.

It will be updated as necessary and the Bureau of Alcohol, Tobacco and Firearms would welcome any suggestions which might assist us in improving the report in the future. In this connection, it would also be of interest to receive comments from those who have actually engaged in exporting beverage alcohol to Japan.

Stephen E. Higgins
Director

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Distribution Services
P.O. Box 14188
Washington, D.C., 20044

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INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: 86 - 2 Date: January 24, 1986

CERTIFICATION AND ANALYSIS OF U.S. WINE FOR EXPORT TO THE EUROPEAN ECONOMIC COMMUNITY (EEC)

Proprietors of Bonded Wineries, Bonded Wine Cellars, Taxpaid Wine Bottling Houses and Others Concerned

Purpose: This circular is issued to notify the public that:

- the provisions of ATF Procedure 73-6 which set out the requirements to be met by chemists or laboratories wishing to be certified by the Bureau of Alcohol, Tobacco and Firearms (ATF) for the analysis of wine for export to the EEC are now superseded by ATF Procedure 86-2 (see ATF Industry Circular 86-3); and,

- the provisions of ATF Procedure 73-6 which dealt with the documentation requirements for U.S. wine exported to the EEC are now superseded by ATF Procedure 86-1.

ATF Procedure 86-1, which will be published in the next issue of the Alcohol, Tobacco and Firearms Quarterly Bulletin (see below), outlines the substantially modified documentation requirements for U.S. wine exported to the EEC. These modifications are a result of recent revisions in EEC regulations.

Although the revised EEC regulations apply to several types of grape products, ATF Procedure 86-1 deals only with U.S. grape table wine and U.S. sparkling grape wine since it was felt these are the wine products of primary interest to American exporters.

Those wishing to export U.S. grape table wine and U.S. sparkling grape wine to the European Economic Community should pay careful attention to all aspects of this circular, noting, in particular, the new EEC Forms V.I.1 which will be required to accompany these wines and the new, simplified certification and analysis procedures applicable to wine meeting the conditions set forth in Section 7.01 below. In this connection, ATF urges all producers who would like to be authorized to use the new, simplified certification and analysis procedures to immediately submit the certification statement referenced in Section 8.01.

Those wishing to export grape dessert wine, grape juice and grape must to the EEC will find the applicable certification/analysis requirements outlined in Commission Regulation (EEC) No. 3590/85 of December 18, 1985 (Attachment I). Exporters are welcome to contact ATF for assistance if there are any questions concerning these requirements.

ATF Procedure 86-1 will appear in the next issue of the Alcohol, Tobacco and Firearms Quarterly Bulletin and will read as follows:

Section 1. Purpose.

1.01 The purpose of this procedure is to outline the new requirements of the European Economic Community (hereinafter referred to as the EEC or the Community) as they apply to certification and analysis of commercial shipments of U.S. grape table wine and U.S. sparkling grape wine, only.

Section 2. Definitions.

2.01 U.S. Wine. For the purposes of this procedure, the term, U.S. wine, refers only to U.S. grape table wine and U.S. sparkling grape wine intended for export to the Community for marketing for direct human consumption.

2.02 The Member States of the Community. The Member States of the Community presently include: Belgium, Denmark, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom.

2.03 Consignment. For the purposes of this procedure, a consignment is the quantity of the same wine consigned by one consignor to one consignee for the purpose of marketing.

2.04 Actual Alcoholic Strength. For the purposes of this procedure, actual alcoholic strengtn means percent alcohol content by volume at 20°C.

2.05 Potential Alcoholic Strength. For the purposes of this procedure, potential alcoholic strength means the percent alcohol content by volume at 20°C which would result from complete fermentation of all fermentable sugars.

2.06 Total Alcoholic Strength. For the purposes of this procedure, total alcoholic strength means the sum of the actual and potential alcoholic strength.

Section 3. Background.

3.01 ATF Procedure 73-6 outlined the EEC certification and analysis requirements which were applicable at the time that procedure was issued in 1973.

3.02 Subsequent to the issuance of that procedure, the EEC issued "Commission Regulation (EEC) No. 2115/76 of August 20, 1976 laying down general rules for the import of wines, grape juice and grape must". This regulation exempted U.S. wine in containers of four liters or less from certification and analysis requirements on the basis that annual U.S. exports of such products to the Community totaled less than 1000 hectoliters. Thus, from the time of this exemption to the present, U.S. wineries did not have to comply with EEC certification and analysis requirements for such products.

3.03 On December 20, 1985, the Community published "Commission Regulation (EEC) No. 3590/85 of December 18, 1985 on the certificate and analysis report required for the importation of wine, grape juice and grape must". This regulation makes three fundamental changes to the present EEC certification and analysis requirements, i.e.,:

(a) except as provided in Section 5.02, effective April 2, 1986, it no longer exempts the United States from certification and analysis for shipments of wine in containers of four liters or less;

(b) except as specified in Section 5.01, it requires that U.S. wine exported from the U.S. on or after April 2, 1986 be accompanied by Forms V.I.1 and prescribes a new model of Form V.I.1 (see Section 5.06). (The procedures outlined herein relate only to this new model of Form V.I.1.); and,

(c) it makes provision for use of new, simplified procedures for completing the new Forms V.I.1 for shipments of wine meeting the conditions referenced in Section 7.01.

3.04 The EEC established April 2, 1986 as the effective date of Commission Regulation No. 3590/85 (Attachment I) to allow those wishing to export to the Community sufficient time to adjust to the new procedures and to print the new forms.

3.05 The simplified procedures noted in Section 3.03(c) considerably minimize administrative burdens by allowing authorized U.S. producers to self-certify the new Forms V.I.1. They also minimize financial burdens by reducing the number of analyses required from a total of eight to a total of three, i.e., actual alcoholic strength, total sulfur dioxide and total acidity.

Section 4. EEC Regulations.

4.01 "Commission Regulation (EEC) No. 3590/85 of December 18, 1985 on the certificate and analysis report required for the importation of wine, grape juice and grape must" is included as Attachment I. This regulation outlines the certification and analysis procedures referenced in Sections 6 and 7.

4.02 "Council Regulation (EEC) No. 1873/84 of June 28, 1984 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No. 337/79" is included as Attachment II. This regulation specifies the wine treating materials which the EEC accepts for use in the production of U.S. wine.

4.03 ATF will make every effort to alert the public to any other information having a significant bearing on certification, analysis and treatment of U.S. wine; however, the ultimate responsibility to keep abreast of EEC regulations lies with U.S. exporters. U.S. exporters and others concerned should contact the European Community Information Service at 2100 M Street, NW, Washington, DC 20037 for additional copies of, or further information concerning, Community regulations.

Section 5. General Instructions Applicable to Forms V.I.1.

5.01 Forms V.I.1 are not required for any wine originating in or coming from non-EEC countries in containers of two liters or less, where the total quantity transported, even if it is composed of two or more individual consignments, does not exceed 60 liters.

5.02 Forms V.I.1 are not required for U.S. wine packaged in containers of four liters or less which enters the Community before September 30, 1986, provided satisfactory proof is offered to Community customs authorities that it left the U.S. before April 2, 1986.

5.03 Except as indicated in Section 5.01, Forms V.I.1 shall, as in the past, accompany each consignment of U.S. wine which is not packaged in containers of four liters or less. U.S. exporters may continue to use existing supplies of the present model of Forms V.I.1 for shipments of such wine which enter the Community before September 30, 1986, provided satisfactory proof is offered to Community customs authorities that it left the U.S. before April 2, 1986.

5.04 Except as indicated in Section 5.01, the new model of Forms V.I.1, as described in Section 5.06, shall accompany each consignment of U.S. wine shipped on or after April 2, 1986 (see Sections 6 and 7).

5.05 An original Form V.I.1 and four carbon copies shall be prepared, when required, for each consignment of U.S. wine.

5.06 Exporters are required to provide their own supply of Forms V.I.1 following the model shown in Annex II of Commission Regulation No. 3590/85 (Attachment I). Form V.I.1 shall:

(a) be approximately 210 mm x 297 mm in size;

(b) be printed on white paper weighing at least 40 grams per square meter;

(c) bear the name and address or the mark of the printer;

(d) be printed in English.

5.07 Forms V.I.1 shall be completed in the English language. The information provided on the original shall be clearly legible on all four copies and shall be either typed or printed in ink using block letters. They shall contain no erasures or alterations. Where necessary, changes shall be made by striking out the wrong entry and inserting the required details. Any change made in this way shall be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

Section 6. Procedures for Preparing Forms V.I.1 for the Export of U.S. Wine Which Does Not Meet the Requirements of Section 7.01.

6.01 The exporter shall complete Forms V.I.1 as follows:

(a) Exporter (Box 1). Identify the name and complete address of the

exporter. If the exporter is a wine producer, the name and address shall be that as shown on the "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18) issued to the producer. Otherwise, the name and address shall be that as shown on the "Wholesaler's Basic Permit" (ATF F 5170.3) issued to the exporter.

(b) Third Country of Issue and Serial Number (upper right hand corner). Identify the country of issue as either "United States of America" or "U.S.A.". Assign a serial number consisting of the last two digits of the calendar year in which the Forms are prepared followed by a dash and the number "1" for the first set of Forms prepared, "2" for the second, etc. (e.g., 86-1, 86-2, etc.).

(c) Consignee (Box 2). Identify the name and address of the consignee.

(d) Marks and reference numbers - Number and nature of packages - Description of product (Box 6). Provide sufficient shipping information to identify the consignment to the proper authorities (e.g., bill of lading number, invoice number, etc.). Enter the number and nature of the packaging used (e.g., 100 cases) and describe the wine giving at least the following information:

- for non-appellation U.S. wine, indicate "U.S. Table Wine" or "U.S. Sparkling Wine" as appropriate;

- for appellation U.S. wine, indicate the country of origin, appellation, vintage date and, if applicable, the varietal designation and whether it is sparkling e.g., "U.S. 1983 Napa Valley Cabernet Sauvignon", "U.S. 1980 New York State Sparkling Wine".

(e) Quantity (liters/hectoliters/kilograms) (Box 7). Select the unit of volume preferred and delete the other two. Identify the total quantity in the consignment using the chosen unit of measure.

(f) Number of Bottles (Box 8). If the consignment is a bottled shipment, specify the number of bottles in the consignment.

(g) Colour of the product (Box 9). Describe the color of the wine in the consignment as being either red, white or rose.

(h) CERTIFICATE (Box 10). Place an "X" in the appropriate space. To determine if the consignment of wine covered by the Forms V.I.1 "has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question", refer to Section 4.02 and Attachment II.

6.02 After completing the Forms V.I.1 as specified in Section 6.01, the exporter shall attach to the set of Forms V.I.1 a certification statement as referenced in Attachment III. Attachment III or photocopies thereof may be used for submission of the certfication statement if appropriately completed with original signature.

6.03 The exporter shall forward one 750 mL sample of the wine referenced in the Forms V.I.1 to a chemist, enologist or laboratory certified by ATF for the analysis of wine for export in accordance with ATF Procedure 86-2. The list of ATF-certified chemists, enologists and laboratories are published in the "C" series of the Official Journal of the European Communities and may be obtained at the following address:

Certified Laboratories - Wine
National Laboratory Center
Bureau of Alcohol, Tobacco and Firearms
1401 Research Boulevard
Rockville, Maryland 20850

6.04 The sample shall be accompanied by the original and all four copies of the applicable Forms V.I.1 to which shall be attached the certification statement referenced in Section 6.02.

6.05 Upon receipt of the sample, set of Forms V.I.1 and certification statement from the exporter, the certified chemist, enologist or laboratory, using the techniques described in ATF Procedure 86-2, shall perform the chemical tests specified in Box 11 (with the exception of the test for "density") and complete Box 11, in full, insuring that the precise analytical units of measurement are specified (e.g., total acidity: x g/100 mL calculated as tartaric acid).

6.06 The certified chemist, enologist or laboratory shall then retain one copy of Form V.I.1 and forward the original, the remaining three copies and the certification statement referenced in Section 6.02, to the Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, serving the region in which the exporter is located, Attention: Chief, Technical Services.

6.07 Upon receipt of the duly completed Forms V.I.1, the Regional Director (Compliance) shall complete Box 10 identifying the Bureau address as referenced in Section 7.07. The Regional Director (Compliance) shall then retain one copy of Form V.I.1 as well as the certification statement referenced in Section 6.02 and return the original and two remaining copies of Forms V.I.1 to the exporter.

6.08 The exporter shall retain one copy of Form V.I.1 and forward the original and remaining copy with the consignment.

6.09 The documents to be retained shall be kept on file for five years.

Section 7. Simplified Procedures for Preparing Forms V.I.1.

7.01 The procedures outlined in this section apply only to U.S. wine produced by U.S. wineries authorized in accordance with Section 8 and exported by these wineries, on or after April 2, 1986, in labeled containers, of 60 liters or less, fitted with non-reusable closing devices.

7.02 The producer shall complete Forms V.I.1 as indicated in Section 6.01.

7.03 The producer shall include in Box 1 the bonded winery registry number as shown on the "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18) issued to the producer.

7.04 The producer shall then follow the procedure outlined in Section 6.03. The sample shall be accompanied by the original and all four copies of Forms V.I.1.

7.05 Upon receipt of the sample and set of Forms V.I.1 from the producer, the certified chemist, enologist or laboratory, using the techniques described in ATF Procedure 86-2, shall determine only actual alcoholic strength, total acidity and total sulfur dioxide and complete Box 11 only with respect to these analyses, insuring that the precise analytical units of measurement are specified (e.g., total acidity: x g/100 mL calculated as tartaric acid).

7.06 The certified chemist, enologist or laboratory shall leave the other areas of Box 11 blank, retain one copy of Form V.I.1 and forward the original and three remaining copies to the producer.

7.07 With respect to Box 10, an official recognized by ATF as having authority to sign on behalf of the winery shall delete the words "name and title of official", sign under the word "Signature" and insert the place and date of signature in the appropriate areas. In this case, a stamp is not required and the producer shall insert the following in the area headed "Full name and address of the official agency":

Bureau of Alcohol, Tobacco and Firearms
1200 Pennsylvania Avenue, NW
Washington, DC 20226
U.S.A.

7.08 With respect to Box 11, an official recognized by ATF as having authority to sign on behalf of the winery shall delete the words "name and title of official", sign under the word "Signature" and insert the place and date of signature in the appropriate areas. In this case, neither a stamp nor the name and address of the laboratory is required.

7.09 The producer shall forward one copy of Form V.I.1 to the Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, serving the region in which the producer is located, Attention: Chief, Technical Services.

7.10 The producer shall retain one copy of Form V.I.1 and forward the original and remaining copy with the consignment.

7.11 The documents to be retained shall be kept on file for five years.

Section 8. Procedures for the Authorization of U.S. Producers Wishing To Be Eligible To Use the Procedures Referenced in Section 7.

8.01 U.S. producers shall submit to ATF a certification statement as referenced in Attachment IV. Attachment IV may be used for this purpose

provided it has been appropriately completed with original signature. The certification statement shall be mailed to the following address:

Chief, Alcohol Import-Export Branch
Bureau of Alcohol, Tobacco and Firearms
Attn: Certification Statement (EEC)
P.O. Box 385
Washington, DC 20226

8.02 ATF will submit, to the European Economic Community, the names, addresses and bonded winery registry numbers of the wineries which have submitted the certification statement referenced in Section 8.01 and will identify these wineries as being authorized, until such time as this authorization is withdrawn, to draw up V.I.1 documents in accordance with "Commission Regulation (EEC) No. 3590/85 of December 18, 1985 on the certificate and analysis report required for the importation of wine, grape juice and grape must".

8.03 The EEC will publish the list of authorized wineries in the "C" series of the Official Journal of the European Communities and will update the list as needed.

Section 9. Effect on Other Documents.

9.01 The provisions of ATF Procedure 73-6 which dealt with the documentation requirements for U.S. wine exported to the EEC are hereby superseded.

Section 10. Inquiries.

10.01 Inquiries concerning this procedure should refer to its number and should be addressed to:

Chief, Alcohol Import-Export Branch
Bureau of Alcohol, Tobacco and Firearms
Attn: Industry Circular 86-2
P.O. Box 385
Washington, DC 20226

W. T. Drake

Acting Director

ATTACHMENT I

COMMISSION REGULATION (EEC) No 3590/85

of 18 December 1985

on the certificate and analysis report required for the importation of wine, grape juice and grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine (1), as last amended by Regulation (EEC) No 3307/85 (2), and in particular Articles 50 (5), 51 (2) and 65 thereof,

Having regard to Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must (3), as last amended by Regulation (EEC) No 2633/85 (4), and in particular Articles 1 and 1a thereof,

Whereas Regulation (EEC) No 2633/85 amended Regulation (EEC) No 354/79 in order to simplify the administrative procedure relating to imports of wine from certain third countries which have offered special guarantees accepted by the Community; whereas Commission Regulation (EEC) No 2115/76 of 20 August 1976 laying down general rules for the import of wines, grape juice and grape must (5) should be replaced in consequence;

Whereas, in order to facilitate controls by the competent authorities of Member States, the form and, where necessary, the content of the certificate and analysis report provided for and the conditions under which they are to be used should be laid down;

Whereas, in order to prevent fraud, the certificate and, where appropriate, the analysis report relating to each consignment of imported product must be checked; whereas, to this end, the document(s) must accompany each consignment until it is placed under Community control;

Whereas, to take commercial practice into account, the competent authorities must be empowered, where a consignment of wine is split up, to have an extract of the certificate and of the analysis report drawn up under their supervision to accompany each new consignment resulting from the splitting;

Whereas, in accordance with Article 1 (2) of Regulation (EEC) No 354/79, under certain conditions certificates and analysis reports drawn up by duly authorized producers may be accepted as valid by the competent authorities in the Community where the third country in question has offered special guarantees accepted by the Community; whereas, in accordance with the second paragraph of Article 1a of that Regulation, documents comprising simplified analysis reports may be accepted under the same conditions; whereas in order to facilitate the import into the Community of wines originating in certain third countries, such rights should be exercised and the requisite detailed rules of application should be laid down;

Whereas lists containing the names and addresses of the agencies and laboratories authorized in third countries to draw up certificates and analysis reports should be published so that the authorities in the Community which supervise the import of vine products can, where necessary, carry out the requisite checks;

Whereas, in accordance with Article 51 of Regulation (EEC) No 337/79, vine products may be offered for direct human consumption in the Community only on condition that they were produced by means of oenological practices permitted in the Community; whereas, in addition, where an imported product has been subjected to enrichment, acidification or deacidification, provision should be made to ensure that it is authorized for direct human consumption in the Community only where the limits specified for the Community wine-growing zone whose natural production conditions are equivalent to those in the region in which the imported product originates have been complied with;

Whereas the task of the exporters and the authorities should be simplified by providing that a statement that the alcohol added to liqueur wines and wines fortified for distillation is of vinous origin should be included in the V I 1 document without requiring a separate document for this statement; whereas, for the same purpose, it should be provided that the V I 1 document may, if desired, serve as the certificate testifying to the designation of origin required for the importation of wines, eligible for a tariff reduction; whereas, however, 'Boberg' and 'Tokaj' (Aszu and Szamorodni) liqueur wines are exempt from the presentation of a certificate and an analysis report pursuant to Article 2 (3) of Regulation (EEC) No 354/79 provided that a certificate of designation of origin is presented; whereas it should be provided that the V I 1 document may be used to certify the designation of origin of the said liqueur wines and that the section relating to the analysis report need not be completed;

Whereas, in order to avoid difficulties of an administrative nature, transitional measures must be taken;

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(1) OJ No L 54, 5. 3. 1979, p. 1.
(2) OJ No L 320, 29. 11. 1985, p. 1.
(3) OJ No L 54, 5. 3. 1979, p. 97.
(4) OJ No L 251, 20. 9. 1985, p. 3.
(5) OJ No L 237, 28. 8. 1976, p. 1.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down the conditions to be met by the certificate and analysis report referred to in Article 50 (1) (a) of Regulation (EEC) No 337/79 together with detailed rules for drawing up and utilizing the latter.

Article 2

For the purposes of this Regulation :

(a) 'product' shall mean a product listed in Article 1 (2) (a) and (b) of Regulation (EEC) No 337/79 ;

(b) 'consignment' shall mean the quantity of a product consigned by one consignor to one consignee ;

(c) 'customs territory of the Community' shall mean the territory defined in Article 1 of Council Regulation (EEC) No 2151/84 of 23 July 1984 on the customs territory of the Community (1) ;

(d) 'V I 1 document' shall be a document drawn up on a Form V I 1 corresponding to the specimen shown in Annex II, complying with the technical conditions set out in Annex IV and signed by an officer of a recognized official agency and by an official of a recognized laboratory as referred to in Article 7 ;

(e) 'V I 2 extract' shall be an extract drawn up on a Form V I 2 corresponding to the specimen shown in Annex III, containing the data appearing on a V I 1 document or another V I 2 extract and stamped by a Community customs office.

Article 3

1. For each consignment of a product intended for import into the Community, the certificate and analysis report shall be drawn up on a single Form V I 1.

However, where the product in question is not intended for direct human consumption, the analysis report section of the Form V I 1 need not be completed.

2. Notwithstanding the first subparagraph of paragraph 1, the analysis report section of the Form V I 1 need be completed only in respect of :

— actual alcoholic strength,

— total acidity,

— total sulphur dioxide,

in the case of wine put up in labelled containers of a capacity not exceeding 60 litres, fitted with non-reusable closing devices, provided that the wine originates in a country appearing in Annex I which has offered special guarantees accepted by the Community.

Article 4

1. Forms V I 1 and V I 2 shall comprise a typed or handwritten original and a simultaneously produced copy, in that order. Both the original and the copy shall accompany the product. Forms V I 1 and V I 2 must be completed either in typescript or by hand and in the latter case they shall be completed in ink using block letters. They must contain no erasures or alterations. Changes must be made by striking out the wrong entry and, where necessary, inserting the required details. Any change made in this way must be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

2. The V I 1 documents and the V I 2 extracts shall bear a serial number allocated, in the case of the V I 1 documents, by the official agency whose officer signs the certificate and, in the case of the V I 2 extracts, by the customs office which stamps them in accordance with Article 6 (2) and (3).

Article 5

1. The V I 1 documents drawn up by wine producers in the third countries listed in Annex I which have offered special guarantees accepted by the Community shall be considered as certificates or analysis reports provided that the producers have received individual approval from the competent authorities of those third countries and are subject to inspection by the latter.

2. Approved producers as referred to in paragraph 1 shall use Form V I 1 giving in box 10 the name and address of the official agency of the third country which approved them. The form shall be filled in correctly.

Producers shall enter in addition :

— in box 1, their names and addresses and their registration numbers in the third countries listed in Annex I,

— in box 11, at least the particulars referred to in Article 3 (2),

and shall sign in the space provided in boxes 10 and 11, after striking out the words 'name and title of the official'. In this case neither stamps nor the name and address of the laboratory shall be required.

Article 6

1. The original and the copy of the V I 1 document or the V I 2 extract shall, on completion of the customs formalities required for putting into free circulation the consignment to which they relate, be handed over to the authorities of the Member State in which such formalities are carried out.

(1) OJ No L 197, 27. 7. 1984, p. 1.

The authorities shall, where necessary, endorse the back of the V I 1 document or the V I 2 extract. They shall return the original to the person concerned and keep the copy for at least five years.

2. Where a consignment is to be re-consigned complete before entry into free circulation, the new consignor shall give the customs authorities controlling the consignment the V I 1 document or the V I 2 extract relating to that consignment as well as, if appropriate, the Form V I 2 completed consecutively.

The authorities, after verifying that the particulars entered on the V I 1 document agree with those entered on the V I 2 form or that the particulars entered on the V I 2 extract agree with those entered on the V I 2 form established consecutively, shall stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse the document or previous extract accordingly. They shall return the extract and the original of the V I 1 document or the previous V I 2 extract to the new consignor and keep the copy of the document or previous extract for at least five years.

However, a Form V I 2 need not be completed where a consignment of a product is re-exported to a third country.

3. Where a consignment is split before entry into free circulation, the person concerned shall give to the customs authorities controlling the consignment to be split the V I 1 document or the V I 2 extract relating thereto and, in respect of each new consignment, a V I 2 form completed consecutively.

The authorities, after verifying that the particulars entered on the V I 1 document or on the V I 2 extract correspond to those on the V I 2 form completed consecutively for each new consignment, shall stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse accordingly the back of the V I 1 document or the V I 2 extract on which it was based. They shall return the V I 2 extract as well as the V I 1 document or the V I 2 extract previously established to the person concerned and keep a copy of each of these documents for at least five years.

Article 7

1. The Commission shall draw up and update lists containing the names and addresses of the agencies and laboratories, and of the wine producers authorized to draw up V I 1 documents, on the basis of notifications from the competent authorities of third countries. It shall publish these lists in the 'C' series of the *Official Journal of the European Communities*.

2. The notifications from the competent authorities of third countries referred to in paragraph 1 shall contain :

— the names and addresses of the official agencies and laboratories approved or appointed for the purpose of drawing up V I 1 documents,

— the names, addresses and official registration numbers of the wine producers authorized to draw up V I 1 documents.

The list shall contain only competent agencies and laboratories as referred to in the first subparagraph which have been authorized by the competent authorities of the third country concerned to provide the Commission and the Member States, on request, with any information required to evaluate the data appearing on the document.

3. The lists referred to in paragraph 1 shall be updated, in particular in order to take account of changes of address and/or name of agencies or laboratories.

They shall be revised :

(a) where an agency or a laboratory does not provide information requested of it pursuant to paragraph 2 ;

(b) where it becomes necessary to include or delete an official agency or an official laboratory ;

(c) where, after the list has been drawn up, approval as referred to in Article 5 has been given to or withdrawn from a producer.

Article 8

1. Subject to Article 51 of Regulation (EEC) No 337/79 and the provisions adopted for the implementation thereof, products originating in third countries may be offered or delivered for direct human consumption only on condition that they were produced, in the case of the oenological practices referred to in Articles 32, 33 and 34 of Regulation (EEC) No 337/79, in compliance with the limits specified for the Community wine-growing zone in which the natural production conditions are equivalent to those in the production region in which the third country product originates.

The equivalence of production conditions shall be assessed by the competent authorities of the third country concerned.

However, the Commission may replace the assessment by a third country of the equivalence of production conditions in that country, as compared with production conditions in the corresponding wine-growing zone in the Community, by an assessment made by itself on the basis of a comparison of the provisions applicable in the Community with those applicable in the third country.

2. Where the competent authorities of a Member State have the impression that a produtt originating in a third country has been subjected to an oenological practice as referred to in paragraph 1 and the limits laid down for the

corresponding Community wine-growing zone have been substantially exceeded, the Member State concerned shall inform the Commission thereof without delay. In such cases the Commission shall contact the third country concerned in order to regularize future imports.

Article 9

1. As regards

— liqueur wines, and

— wines fortified for distillation,

the V I 1 documents shall be recognized as valid only where the official agency as referred to in Article 7

(a) has entered the following in box 15:

'the alcohol added to this wine is certified as being of vinous origin';

(b) and has completed this with:

— the full name and address of the issuing agency,

— the signature of an official of the agency,

— the agency's stamp.

2. For wines eligible for a tariff reduction on importation into the Community, the V I 1 documents may serve as a certificate testifying to the designation of origin which is entitled to such arrangements, where the official agency

— has entered the following in box 15:

'the wine referred to in this document is certified as having been produced in the ... wine-growing region and it was given the designation of origin shown in box 6 in accordance with the provisions of the country of origin',

and

— has completed this as provided for in paragraph 1 (b).

3. For liqueur wines entitled to the appellation 'Boberg' and 'Tokaj' (Aszu and Szamarodni) box 15 of the V I 1 document may be used to provide the attestation pursuant to Article 3 (2) of Regulation (EEC) No 354/79 and to Commission Regulation (EEC) No 1120/75 (1); in this case it shall not be necessary to complete box No 11 of the same document relating to the analysis report.

Article 10

The third countries for which the requirement to submit the certificate and analysis report has been waived in accordance with Article 2 (2) of Regulation (EEC) No 354/79, for their exports to the Community, shall be those listed in Annex V to this Regulation.

Article 11

Regulation (EEC) No 2115/76 is hereby repealed on 30 September 1986. During the period 2 April to 30 September 1986, that Regulation shall apply only to products shown to the satisfaction of the Community customs authorities to have left the third country concerned before 2 April 1986.

Article 12

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*. It shall apply, subject to Article 11, from 2 April 1986, except for Article 9 (2) which shall apply from 1 July 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 December 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

List of the third countries which have provided the Community with the special guarantees referred to in Article 3 (2) and Article 5:

the United States of America

ANNEX II

1. Exporter

2. Consignee

3. CUSTOMS' STAMP (1)

4. Means of transport (1)

5. Place of unloading (1)

THIRD COUNTRY OF ISSUE:

VI1 Serial No:

DOCUMENT
FOR THE IMPORTATION OF WINE, GRAPE JUICE OR GRAPE MUST INTO THE EUROPEAN COMMUNITY

(1) Obligatory only for wines benefitting from a reduced customs tariff
(2) Delete as appropriate
(3) Put an 'x' in the appropriate place

6. Marks and reference numbers — Number and nature of packages — Description of product

7. Quantity in l/hl/kg (2)

8. Number of bottles

9. Colour of product

10. CERTIFICATE

The product described above (3) ☐ is ☐ is not intended for direct human consumption, complies with the conditions governing production and entry into circulation applying in the country of origin of the product and, if intended for direct human consumption, has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question.

Full name and address of the official agency:

Place and date:

Signature, name and title of official Stamp

11. ANALYSIS REPORT

describing the analytical characteristics of the product described above
FOR GRAPE MUST AND GRAPE JUICE: density:
FOR WINE AND GRAPE MUST STILL IN FERMENTATION:
total alcoholic strength: actual alcoholic strenght:
FOR ALL PRODUCTS:
total dry extract: total acidity: volatile acidity:
citric acidity: total sulphur dioxide:

(3) ☐ presence ☐ absence of products obtained from varieties resulting from interspecific crossings and/or producing hybrids or from other varieties not of the species *Vitis vinifera*.

Full name and address of the laboratory:

Place and date
Signature, name and title of official Stamp

SEE INSTRUCTION FOR PRINTING ON ANNEX IV

IMPORTS (Entry into free circulation or issue of extracts)

Quantity	12. Reference number and date of the extract or customs document	13. Full name and address of the consignee (extract)	14. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
15. Other information :			

ANNEX III

EUROPEAN COMMUNITY

1. Consignor ☐	MEMBER STATE OF ISSUE V12 Serial No: **EXTRACT OF A DOCUMENT FOR THE IMPORTATION OF WINE, GRAPE JUICE OR GRAPE MUST INTO THE EUROPEAN COMMUNITY**
2. Consignee	3. Extract of V.I.1 document No issued by (name of third country) on:
(1) Delete as appropriate (2) Put an 'x' in the appropriate place (3) Obligatory only for wines benefiting for a reduced customs tariff, for liqueur wines and for wines fortified for distillation (delete as appropriate)	4. Extract of V.I.2 extract No stamped by (full name and address of the customs office within the Community) on:

5. Marks and reference numbers — Number and nature of packages — Description of product	6. Quantity in l/hl/kg (1)
	7. Number of bottles
	8. Colour of product

9. CONSIGNOR'S DECLARATION (2)

☐ The V.I.1 document referred to in box 3 ☐ The extract referred to in box 4 was completed in respect of the product described above and comprises:

☐ A CERTIFICATE to the effect that the product described above ☐ is ☐ is not intended for direct human consumption, complies with the conditions governing production and entry into circulation applying in the country of origin of the product and, if intended for direct human consumption, has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question,

☐ AN ANALYSIS REPORT showing that this product has the following analytical characteristics:

FOR GRAPE MUST AND GRAPE JUICE: density

FOR GRAPE AND GRAPE MUST STILL IN FERMENTATION:

total alcoholic strength: actual alcoholic strength:

FOR ALL PRODUCTS:

total dry extract: total acidity: volatile acidity:

citric acid: total sulphur dioxide:

☐ presence ☐ absence of products obtained from varieties resulting from interspecific crossings (direct producer hybrids) or from other varieties not of the species *Vitis vinifera*.

☐ as well as (2) an ENDORSEMENT from the competent official agency certifying that:

— the wine which is the subject of this document was produced in the region of ..... and is recognized according to the rules in the country of origin, as having the right to the designation of origin mentioned in box 5,

— the alcohol added to the wine which is the subject of the present document is of vinous origin.

10. CUSTOMS STAMP Declaration certified true Place and date: Signature: Stamp:	Signature Full name and address of customs office concerned:

SEE INSTRUCTIONS FOR PRINTING

IMPORTS (Entry into free circulation or issue of extracts)

Quantity	11. Reference number and date of the extract or customs document	12. Full name and address of the consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			

ANNEX IV

(TECHNICAL) CONDITIONS RELATING TO FORMS V I 1 AND V I 2

A. Printing of forms

1. The size of the forms is to be approximately 210 × 297 mm.
2. White paper dressed for writing purposes weighing not less than 40 g/m² must be used.
3. Each form must bear the name and address or the mark of the printer.
4. The forms are to be printed in one of the official Community languages ; the language for the forms V I 2 will be specified by the competent authorities of the Member State in which the forms will be stamped.

B. Instructions for completing the forms

1. The forms must be completed in the language in which they are printed.
2. Each form must bear a serial number allocated :
   — in the case of the forms V I 1, by the official agency which signs the 'Certificate' section,
   — in the case of the forms V I 2, by the customs office which stamps them.
3. The description of the product in box 6 of the V I 1 form and in box 5 of the V I 2 extract must be completed in accordance with Article 35 of Council Regulation (EEC) No 355/79 (1), as last amended by Regulation (EEC) No 1898/85 (2).

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(1) OJ No L 54, 5. 3. 1979, p. 99.
(2) OJ No L 179, 11. 7. 1985, p. 1.

ANNEX V

— Canada
— Iran
— Lebanon
— People's Republic of China
— Taiwan

ATTACHMENT II

COUNCIL REGULATION (EEC) No 1873/84

of 28 June 1984

authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 337/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine (1), as last amended by Regulation (EEC) No 1208/84 (2), and in particular Article 51 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 50 (1) (a) of Regulation (EEC) No 337/79 lays down that the products referred to in Article 1 (2) (a) and (b) of that Regulation may be imported only if they are accompanied by a certificate attesting that they comply with the provisions governing production, marketing and, should such be the case, supply for direct human consumption in the third countries in which they originate;

Whereas Article 51 (1) of Regulation (EEC) No 337/79 lays down that products imported from third countries and falling within heading No 22.05 of the Common Customs Tariff which have undergone oenological practices not allowed by Community rules, or which do not conform either to the provisions of that Regulation or to those adopted in implementation thereof, may not, except by way of derogation, be offered or disposed of for direct human consumption;

Whereas Article 2 (2) of Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must (3), as last amended by the 1979 Act of Accession, exempts from the requirement to present the above-mentioned certificate imports of wine originating in and coming from third countries whose annual exports to the Community are less than 1 000 hl; whereas, in view of the current level of exports of United States wines to the Community, an arrangement should be introduced which is more appropriate to the situation;

Whereas, with the aim of fostering the harmonious development of trade in wine products between the Community and the United States of America, and in view of the effectiveness of the control system in force in the United States and the particular extent to which compliance with provisions governing the production, marketing and disposal of wine for direct human consumption is thereby ensured, the import into the Community of United States wines which have undergone certain oenological processes not provided for by Community rules should be authorized if, in the present state of scientific knowledge, those processes have been shown to be identical or almost equivalent to oenological processes permitted in the Community; whereas other oenological processes in use in the United States which are not permitted in the Community necessitate further scientific research; whereas, therefore, authorization for the import into the Community of United States wines which have undergone such processes should be limited to a certain period; whereas, however, it should be made clear that such authorization may be reviewed at any time, after consultation with the United States authorities, in particular were it to be found that the use of certain oenological practices could present a public health risk;

Whereas, in a letter sent to the Government of the United States of America on 6 July 1983, the Community, represented by the Commission, expressed the intention of modifying Community provisions in respect of oenological processes with a view to encouraging trade in the wine sector; whereas the necessary provisions should therefore be incorporated in Community legislation in order to put those modifications into effect;

Whereas the Government of the United States of America undertook in its letter dated 26 July 1983 to delete from the American provisions a large number of substances whose use has hitherto been permitted in the manufacture of wine, and to replace expressions having little meaning in such provisions with scientific terms, thus making identification easier; whereas the Government of the United States of America further undertook to ensure that geographical names referring to a Community wine-growing area were no longer used as generic names unless such use was traditional; whereas the Government of the United States of America also undertook to work in constant collaboration with the Community with the object of expanding scientific knowledge on certain oenological processes referred to in 1 (b) of the Annex to this Regulation; whereas, moreover, the United States Government recognized the need to establish collaboration between on the one hand, the competent autho-

(1) OJ No L 54, 5. 3. 1979. p. 1.
(2) OJ No L 115, 1. 5. 1984. p. 77.
(3) OJ No L 54, 5. 3. 1979. p. 97.

rities in the Member States, coordinated if necessary by the Commission, and on the other hand, the competent American authorities in order to facilitate the prevention of fraud; whereas these commitments should, therefore, be respected and provision should be made for certain derogatioins from Article 51 (1) of Regulation (EEC) No 337/79,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 51 (1) of Regulation (EEC) No 337/79, it shall be permitted to offer or dispose of for direct human consumption in the Community products falling withing heading No 22.05 of the Common Customs Tariff and derived from grapes harvested and vinified on the territory of the United States of America for which, in accordance with United States provisions, one or more of the oenological processes listed in 1 (a) and (b) of the Annex to this Regulation may have been used during manufacturing or storage operations.

However, this authorization shall only be valid, as regards use of the oenological processes listed in 1 (b) of the Annex, until 26 July 1988.

2. Member States may not prohibit the offer or supply for direct human consumption of wine derived from grapes harvested and vinified on the territory of the United States of America in accordance with the provisions in force in that country on the grounds that one or more of the oenological processes listed in 2 (a) and (b) of the Annex may have been used.

3. Wines derived from grapes harvested and vinified on the territory of the United States of America which have been the subject of the addition of sugar in aqueous solution may not be offered or disposed of for direct human consumption in the Community.

Article 2

Producer Member States shall forward to the Government of the United States of America the list of their protected geographical designations of wines in the Community which they wish to see protected by the United States in accordance with the commitment entered into by that country.

Article 3

The Commission shall ensure the publication in the *Official Journal of the European Communities*, C series, of the value limits laid down by the provisions of the United States of America for the use of the substances listed in the Annex to this Regulation. It shall keep such publication up to date if changes are made to the American provisions.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 28 June 1984.

For the Council

The President

H. BOUCHARDEAU

ANNEX

1. **Oenological processes permitted**

(a) *without any time limit:*

— catalase derived from *Aspergillus niger*,
— glucose oxydase derived from *Aspergillus niger*,
— ferrous sulphate,
— oxygen,
— soya flour;

(b) *until 26 July 1988 at the latest:*

— dimethylpolysiloxane,
— polyoxyethylene-40-monostearate,
— sodium carboxymethylcellulose,
— sorbitan monostearate,
— calcium sulphate,
— substances composed of potassium ferrocyanide and aqueous ferrous sulphate, possibly combined with copper sulphate and active carbon,
— fumaric acid,
— ion-exchange resins,
— lactic acid,
— malic acid,
— polyvinylpolypyrrolidone (PVPP),
— polyvinylpyrrolidone (PVP).

2. **Oenological processes which are indentical to, or comparable with, those permitted in the Community**

(a) *oenological processes which are identical:*

— acacia (gum arabic),
— activated carbon,
— animal albumen (including egg white powder and egg white solution),
— ammonium phosphate (dibasic),
— ascorbic acid,
— bentonite (Wyoming clay),
— bentonite slurry,
— carbon dioxide,
— casein,
— citric acid,
— compressed air (aeration),
— copper sulphate,
— diatomaceous earth,
— enzymes: pectolytic, derived from *Aspergillus niger*,
— gelatin,
— gelatin slurry,
— isinglass,
— nitrogen gas,
— potassium bitartrate,
— potassium caseinate,
— potassium metabisulfite,
— potassium sorbate,
— silica gel (colloidal silicon dioxide — 30 %),
— sorbic acid,
— tannin,
— tartaric acid,
— Calcium carbonate, possibly containing small quantities of double calcium salt of tartaric L (+) and malic L (—) acid;

(b) *oenological processes which are comparable :*

— *Agar agar,*
— ammonium carbonate,
— ammonium phosphate (monobasic),
— granular cork,
— milk powder,
— oak chips sawdust, uncharred and not treated,
— potassium carbonate,
— carageenan,
— cellulase derived from *Aspergillus niger,*
— cellulose,
— autolyzer yeast.

ATTACHMENT III

It is hereby certified that the consignment of wine referenced on Forms V.I.1, identified by Serial No. _____:

(a) has been produced by [1] _____
_____
_____
_____;

(b) will be exported by [2] _____
_____
_____
_____;

(c) complies with United States rules of production; and,

(d) has not been subjected to enological practices which are not permitted under current EEC provisions relating to the import of the product in question.

It is further certified that the above referenced Forms V.I.1 have been completed in accordance with ATF Procedure 86-1 and any subsequent amendments relating to the requirements thereof.

I, the undersigned, as the duly authorized representative of the above named exporter, certify the statements herein to be true and, furthermore, consent:

- upon request, to provide the Bureau of Alcohol, Tobacco and Firearms any information required to evaluate the data included on the above referenced Forms V.I.1; and,

- to the disclosure by the Bureau of Alcohol, Tobacco and Firearms to the governing bodies of the European Economic Community and its Member States of any information which would have a material bearing on the representations made by this certificate.

_____ _____
Signature of Duly Authorized Representative of Above Named Exporter — Date of signature

_____
Typed Name and Title of Above Representative

[1] Insert name, address and bonded winery registry number of producer as shown on "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18).
[2] Insert name, address and basic permit number of exporter as shown on "Wholesaler's Basic Permit" (ATF F 5170.3).

ATTACHMENT IV

It is hereby certified that wine produced by

[1] _____
_____
_____
_____

which is exported from the U.S. to the European Economic Community (EEC) by the above named producer on or after April 2, 1986:

(a) complies with United States rules of production;

(b) has not been subjected to enological practices which are not permitted under current EEC provisions relating to the import of the product in question; and,

(c) will be accompanied by Forms V.I.1 completed in accordance with ATF Procedure 86-1 and any subsequent amendments relating to the requirements thereof.

I, the undersigned, as the duly authorized representative of the above named exporter, certify the statements herein to be true and, furthermore, consent:

- upon request, to provide the Bureau of Alcohol, Tobacco and Firearms any information required to evaluate the data included on the above referenced Forms V.I.1; and,

- to the disclosure by the Bureau of Alcohol, Tobacco and Firearms to the governing bodies of the European Economic Community and its Member States of any information which would have a material bearing on the representations made by this certificate.

_____ _____
Signature of Duly Authorized Representative of Above Named Winery — Date of signature

_____
Typed Name and Title of Above Representative

[1] Insert name, address and bonded winery registry number as shown on "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18).

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Bureau of Alcohol, Tobacco and Firearms
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T 70.10: 86-3

INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226
Number: 86 - 3 Date: January 24, 1986

CERTIFICATION OF CHEMISTS, ENOLOGISTS AND LABORATORIES FOR THE ANALYSIS OF WINE FOR EXPORT

Proprietors of Bonded Wineries, Bonded Wine Cellars, Taxpaid Wine Bottling Houses and Others Concerned

Purpose: This circular is issued to notify the public that:

- the provisions of ATF Procedure 73-6 which dealt with the documentation requirements for U.S. wine exported to the EEC are now superseded by ATF Procedure 86-1 (see ATF Industry Circular 86-2); and,

- the provisions of ATF Procedure 73-6 which set out the requirements to be met by chemists or laboratories wishing to be certified by the Bureau of Alcohol, Tobacco and Firearms (ATF) for the analysis of wine for export to the EEC are now superseded by ATF Procedure 86-2 which will be published in the next issue of the Alcohol, Tobacco and Firearms Quarterly Bulletin (see below).

The procedures applicable to certification of chemists and laboratories were dissociated from EEC documentation requirements to make it clear that those certified for wine analysis by ATF are authorized to analyze wine exported not only to the European Economic Community but also to Japan and any other countries which have agreed to accept chemical analyses performed by persons or laboratories certified by ATF. In this connection, it should be noted that, although ATF Procedure 73-6 recognized only graduate chemists and laboratories under the direction of a graduate chemist as being eligible for certification, the new procedure also recognizes graduate enologists and laboratories under the direction of a graduate enologist.

ATF Procedure 86-2 will appear in the next publication of the Alcohol, Tobacco and Firearms Quarterly Bulletin and will read as follows:

Section 1. Purpose.

1.01 This procedure establishes the guidelines to be followed by chemists, enologists or laboratories desiring to be certified by the Bureau of Alcohol, Tobacco and Firearms (ATF) for the analysis of wine for export.

Section 2. Background.

2.01 Many countries require the presentation of specific chemical analyses as a condition of entry for imported wine. With respect to U.S. wine, many of

these countries will accept analyses performed by persons or laboratories certified by ATF.

2.02 The Member States of the European Economic Community (hereinafter referred to as the EEC or the Community) are among such countries, and ATF Procedure 73-6 which dealt with EEC documentation requirements for wine, established the procedures to be followed by chemists and laboratories wishing to be certified to analyze wine for export to the EEC.

2.03 The Japanese Ministry of Health and Welfare now also accepts chemical analyses performed by ATF-certified persons or laboratories, and the number of such foreign governmental bodies may increase in the future.

2.04 This being the case, the provisions relative to certification of chemists and laboratories previously included in ATF Procedure 73-6 have been dissociated from EEC documentation requirements and are reissued herewith to make it clear that those certified for wine analysis by ATF are authorized to analyze wine exported not only to the European Economic Community but also to Japan and any other countries which have agreed to accept chemical analyses performed by ATF certified persons or laboratories. In this connection, it should be noted that, although ATF Procedure 73-6 identified only graduate chemists and laboratories under the direction of a graduate chemist as being eligible for certification, the new procedure expands eligibility to include graduate enologists and laboratories under the direction of a graduate enologist. ATF has concluded that the educational background of graduate enologists warrants such recognition.

Section 3. Application for Certification.

3.01 Application for certification that a chemist, enologist or laboratory is qualified to analyze wine for export may be filed by a graduate chemist, a graduate enologist, a laboratory under the direction of a graduate chemist or graduate enologist, or an exporter on behalf of such a chemist, enologist or laboratory.

3.02 The application shall be submitted, in duplicate, on the applicant's letterhead, to the Director, National Laboratory Center, Bureau of Alcohol, Tobacco and Firearms, at the address given in Section 7.01. It shall be accompanied by the analysis reports referenced in Section 4.01(b) and by documentation supporting the educational qualifications and professional experience of the chemist or enologist. This information is subject to verification.

Section 4. Qualification for Certification.

4.01 To qualify for certification by the Director, ATF National Laboratory Center, the applicant shall:

(a) have access to such laboratory equipment and facilities as are necessary to perform the wine analyses described in following subparagraph (b). The adequacy of such equipment and facilities is subject to verification or inspection;

(b) submit to the Director, ATF National Laboratory Center, a report of the analysis of any sample of white wine and any sample of red wine together with one 750 mL sample of each wine to be analyzed. These reports shall include the following analytical data as determined in accordance with the latest edition of the Methods of Analysis, published by the Association of Official Analytical Chemists:

(1) Specific gravity;
(2) Alcohol by volume;
(3) Total extract;
(4) Reducing sugar;
(5) Sucrose;
(6) Ash;
(7) Alkalinity of ash;
(8) Total acidity;
(9) Volatile acidity;
(10) Fixed acidity;
(11) Tartaric acid;
(12) Citric acid;
(13) Sulfur dioxide
(14) pH

Section 5. Certification of Applicants.

5.01 If U.S. Government chemists verify the reports of analyses submitted by the applicant, and the other requirements have been met, the Director, ATF National Laboratory Center, will certify the chemist, enologist or laboratory and so notify the applicant. If the chemist, enologist or laboratory does not meet the requirements for certification, the applicant will be so notified.

Section 6. Effect on Other Documents.

6.01 The provisions of ATF Procedure 73-6 which set out the requirements to be met by chemists or laboratories wishing to be certified by the Bureau of Alcohol, Tobacco and Firearms (ATF) for the analysis of wine for export are hereby superseded.

Section 7. Inquiries.

7.01 Inquiries concerning this circular, including requests for the listing of chemists, enologists and laboratories certified by ATF for the analysis of wine for export, should refer to its number and should be addressed to:

National Laboratory Center
Bureau of Alcohol, Tobacco and Firearms
Certified Laboratories - Wine
1401 Research Boulevard
Rockville, Maryland 20850

W. T. Drake

Acting Director

Per Sup 87-1373

T 70.10:86-4

INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226
Number: 86-4 **Date:** January 21, 1986

GAUGING IMPORTED SPIRITS

Importers of Distilled Spirits and Others Concerned:

Purpose. The purpose of this circular is to advise you that the U.S. Customs Service and the Bureau of Alcohol, Tobacco and Firearms have agreed upon a revised PROCEDURE FOR CONVERTING LITERS OF ABSOLUTE ALCOHOL CONTAINED IN IMPORTED DISTILLED SPIRITS TO U.S. PROOF GALLONS.

Effective Date. The procedures given in this circular are EFFECTIVE IMMEDIATELY.

Background. Some time ago, a problem arose involving the tax assessment on distilled spirits crossing the U.S./Canadian border into the U.S. It involved apparent overreporting to Revenue Canada by the distiller of bulk gauge spirits exported to the U.S. Specifically, U.S. Customs reported on Form B 60 to Revenue Canada a smaller amount of spirits imported into the U.S. than Canadian records showed as exported. The difference was assumed not to have been exported and the additional tax was assessed to the Canadian distiller by Revenue Canada. This was resolved with the derivation of a conversion factor that correctly related Canadian proof to U.S. proof.

This, however, created another problem because distilled spirits bottled in Canada for export to the United States (1) must be bottled to U.S. standards of fill, which is based on 60 degrees Fahrenheit (15.56°C) rather than 20 degrees Centigrade (the Canadian standard) and (2) are bottled and reported at various proofs rather than a single proof (200°) as for bulk liters of absolute spirits. Therefore, if the conversion factor were used in conjunction with ATF Form 5100.10 for liters per case, U.S. gallons per case, etc., errors would result.

To avoid all errors, the U.S. Customs Service in agreement with the Bureau of Alcohol, Tobacco and Firearms, has directed all Regional Commissioners, District, Area and Port Directors of Customs to immediately begin using the procedures described in this circular.

Procedure. The following computation will be used by all U.S. Customs Service personnel to convert quantities, WHETHER BULK OR BOTTLED, of distilled spirits expressed as Liters of Absolute Alcohol at 20° Centigrade to quantities of distilled spirits expressed as U.S. Proof Gallons:

1.

Number of Liters of Absolute Alcohol at 20° C	X	0.52589	=	Number of U.S. Proof Gallons

The result should be rounded to five significant decimal figures.

Shipments of distilled spirits from Canada will always have the total number of liters of Absolute Alcohol at 20° C stated on Form B 60 in the column headed "Quantity/Quantite".

(more)

Only when some of the cases of distilled spirits shown on receiving documents are withdrawn from a Customs Bonded Warehouse should the number of U.S. Proof Gallons of spirits withdrawn be computed as follows:

2.

U.S. Proof Gallons of Alcohol Calculated From Form B 60 (see 1. above)	X	Cases Removed / Case Total from Form B 60	=	U.S. Proof Gallons of Alcohol Removed

UNDER NO CIRCUMSTANCES SHOULD THE VOLUME OR PERCENT ALCOHOL ON THE BOTTLES OR CASES BE USED FOR THESE CALCULATIONS.

INFORMATION FROM ATF Form 5100.10 - LITERS PER CASE, U.S. GALLONS PER CASE, etc., SHOULD NO LONGER BE USED FOR THE ABOVE CALCULATIONS. FOR OTHER PURPOSES, E.G. INVENTORY, etc., ATF Form 5100.10 MAY STILL BE USED.

Inquiries. Inquiries regarding this circular should refer to its number and be addressed to the Associate Director (Compliance Operations), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.

Stephen E. Higgins
Director

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Distribution Services
P.O. Box 14188
Washington, D.C., 20044

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Per Dep 87-1373

T 70.10: 86-5

INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: 86-5 **Date:** February 14, 1986

GRAY MARKET (PARALLEL) IMPORTS

Proprietors of Distilled Spirits Plants, Importers and Others Concerned:

PURPOSE: Numerous inquiries from trade associations and industry members alike point out that some confusion may exist as to the legal role of this Bureau in the "gray market" imports controversy. This circular will serve to clarify our position in this matter.

BACKGROUND: Over the past several years, the alcohol beverage industry has witnessed the emergence of the "gray market" or "parallel" importer. A "gray market" importation occurs when an importer imports authentic premium foreign wines or distilled spirits despite the existence of an exclusive distribution agreement between the foreign trademark owner (producer) and its authorized U.S. importer (distributor). Many such products are packaged and labeled for the European or other foreign markets and do not conform with U.S. regulatory requirements. The labeling of such products has been brought into conformity with U.S. regulatory requirements by affixing a strip label containing the mandatory information.

Gray market imports should not be confused with counterfeit imports which enter the U.S. under fraudulent pretenses, i.e. where the bottle labels do not accurately describe the contents of the bottle. Law and regulations are specific as to the Bureau's treatment of this type of illegitimate import.

DISCUSSION: ATF involvement in the "gray market" controversy is restricted since federal regulations under the Federal Alcohol Administration Act make no distinction between the activities of the gray market importer and the authorized importer (distributor). ATF's involvement in this controversy has been limited for the most part to investigating complaints by industry regarding mis-labeled gray market imports.

The Federal Alcohol Administration Act prohibits the removal from Customs custody for consumption in the U.S. any alcohol beverages unless such products are bottled, packaged,and labeled in conformity with U.S. regulations. In addition, the Act vests in the Bureau the authority to prohibit from appearing on any label any statement that is false or untrue in any particular, or that irrespective of falsity, directly, or by ambiguity, omission, or inference tends to create a misleading impression regarding the product. The Bureau is specifically charged with the responsibility of ensuring that the label not only prevents consumer deception, but also provides the consumer with adequate information as to the identity and quality of the product. The Act also requires that as a condition to the release of such products from Customs custody, there shall be furnished certificates, where applicable, issued by foreign governments which certify as to the products' origin and authenticity.

(more)

In response to Industry concerns, the Bureau has intensified its efforts in the area of label approval to ensure product integrity for all imported products. Utilizing ATF's various inspection programs, imports will be closely scrutinized for mandatory label information and for prohibited information in accordance with 27 CFR Parts 4, 5, and 7.

It should be stressed that the issuance of a certificate of label approval by ATF in no way constitutes trademark protection for that label. For regulations covering the restrictions placed on the importation of articles bearing recorded trademarks and trade names, the permittee is directed to 19 CFR § 133.21 of the US Customs regulations.

ATF is also currently reviewing all country of origin certification requirements for imported wines and distilled spirits. ATF will be working closely with Customs to establish new procedures, if needed, or re-enforcing existing requirements to ensure that all imports are properly certified as to their origin and authenticity, if applicable, i.e. country of origin issues such a certificate of origin and authenticity.

SUMMARY: In Compliance with the mandates of the FAA Act and to insure product integrity and authenticity, the Bureau of Alcohol, Tobacco and Firearms reemphasizes that it will nold all importers of alcohol beverages to the same standard of compliance with all U.S. laws and regulations.

INQUIRIES: Inquiries concerning this circular should be referred to its number and be addressed to the Associate Director (Compliance Operations), ATTN: Chief, Alcohol Import-Export Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

Stephen E. Higgins
Director

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Distribution Services
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T 70.10; 86-6

INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226
Number: 86 - 6 **Date:** March 17, 1986

CERTIFICATION AND ANALYSIS OF U.S. WINE FOR EXPORT TO THE EUROPEAN ECONOMIC COMMUNITY (EEC)

Proprietors of Bonded Wineries, Bonded Wine Cellars, Taxpaid Wine Bottling Houses and Others Concerned

Purpose: This circular is issued to notify the public that ATF Procedure 86-1 (see ATF Industry Circular 86-2) has been amended as set forth below.

(1) The first indent of Section 6.01(d) will be replaced by the following two subparagraphs:

"- for non-appellation U.S. grape table wine, indicate 'U.S. Wine';

- for non-appellation U.S. sparkling wine, indicate 'U.S. Sparkling Wine';"

(2) The words "an official" appearing in the first line of Sections 7.07 and 7.08 will be changed to read "a person".

These changes were suggested by the Commission of the European Economic Community and bring the Procedure into conformity with EEC regulatory requirements.

Inquiries. Inquiries concerning this procedure should refer to its number and should be addressed to:

Chief, Alcohol Import-Export Branch
Bureau of Alcohol, Tobacco and Firearms
Attn: Industry Circular 86-6
P.O. Box 385
Washington, DC 20226

Stephen E. Higgins
Director

Per Sup 87-1373

T 70.10: 86-7

INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226
Number: 86-7 Date: April 17, 1986

Availability of ATF Form 5100.31 Application for and Certificate/Exemption of Label/Bottle Approval

Proprietors of Distilled Spirits Plants,
Bonded Wineries, Taxpaid Wine Bottling
Houses, Breweries, Importers, Wholesalers,
and Others Concerned:

Purpose. This circular announces the availability of a new ATF form, Form 5100.31, Application for and Certificate/ Exemption of Label/Bottle Approval (10/85). This form replaces three existing ATF forms: Form 1648, Application for Certificate of Exemption from Label Approval; Form 1649, Application For and Certificate of Label Approval under Federal Alcohol Administration Act; and Form 1650, Certificate of Exemption from Label Approval under the Federal Alcohol Administration Act. These three forms are obsolete and will not be accepted for applications for label approval or exemption from label approval received after May 30, 1986. A forthcoming Treasury decision will amend regulations in 27 CFR Parts 4, 5, and 7 to change all references to these forms to ATF Form 5100.31.

Background. ATF has combined these forms in the interest of economy and paperwork reduction. Certain information which is not required on Forms 1648 or 1649 must be shown on Form 5100.31. In addition, the instructions for preparation of some entries on the form have changed. All changes from Forms 1648 and 1649 are explained in detail below.

Item #1, Vendor Code. Enter your vendor code in this space. If you are a new applicant and have not been assigned a vendor code, leave this space blank and submit a photocopy of your basic permit or approved notice with your first application.

Item #2, Serial Number. Assign serial numbers to each set of applications using a sequential numbering system, and beginning with the last two digits of the current calendar year; e.g. 86-1, 86-2. Use only one series of serial numbers for all applications on Form 5100.31.

Item #3, Name and Address. Enter your name and address exactly as it appears on your basic permit or approved notice. If a trade name is used on the label attached to the application, enter that trade name as it appears on your permit or notice in this space. You may show an additional mailing address directly under the required name and address. BE SURE TO INCLUDE YOUR PLANT REGISTRY OR BASIC PERMIT NUMBER IN THIS SPACE.

Item #4, Type of application. Check the appropriate box for the type of application being filed. If the application is for exemption from label approval, enter the State of sale. If the application is for distinctive bottle approval, check boxes a. and c., and state the total bottle capacity before closure in millilitres.

Item #7, Fanciful Name. Enter the fanciful name (i.e., proprietary name) used on the label for a specialty product which does not conform to a specific class and type designation.

Item #8, Vintage. Show a vintage date only for wine for which a vintage is claimed on the label.

Item #9, Age. Show age only for distilled spirits for which an age reference is made on the label. If less than two years, show age in months.

Item #11, Laboratory Analysis Number. Show the ATF Laboratory analysis number and the month and year of the analysis for imported products which have been analyzed by the ATF Laboratory. Attach a copy of the laboratory analysis with the application for label approval.

Conditions under which label approvals are not required. The conditions which do not necessitate the submission of a new label approval are listed on the reverse of Form 5100.31. These conditions were outlined in Industry Circular 85-6, dated July 4, 1985.

Use of Form 5100.31 as an application for exemption from label approval under the FAA Act. This form replaces Forms 1648 and 1650. Applications for exemption from label approval will be made on Form 5100.31, and this form will be approved and returned to the applicant.

Sample Copy. A facsimile of Form 5100.31 is attached to this industry circular for your reference. Please note that this copy is reduced in size and may not be photocopied for use.

Effective Date. After May 30, 1986, applications for label approval or exemption from label approval will not be accepted on Forms 1648 or 1649. Proprietors may submit applications on Form 5100.31 after December 31, 1985. Do not resubmit previously approved labels. All approved Forms 1649 and 1650 remain valid after May 30, 1986.

Availability of Form. Please destroy all stocks of Forms 1648 and 1649. Supplies of Form 5100.31 may be obtained from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153; telephone (703) 455-7801. There will be no automatic distribution of Form 5100.31 to permittees; you must request copies from the ATF Distribution Center.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Associate Director (Compliance Operations), Attention: Chief, Industry Compliance Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.

Stephen E. Higgins
Director

FORM APPROVED: OMB NO. 1512-0092 (10/31/86)

DEPARTMENT OF THE TREASURY – BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL

(See Instructions and Paperwork Reduction Act Notice on Back)

PART I – APPLICATION

FOR ATF USE ONLY

ID

CT | OR | AP

1 VENDOR CODE *(Required)* | 2 SERIAL NO. *(Required)*

5 BRAND NAME *(Required)*

6 CLASS AND TYPE *(Required)*

7 FANCIFUL NAME *(If Any)*

8 VINTAGE *(Wine Only)* | 9 AGE *(Distilled SPIRITS)*

10 FORMULA NO. *(If Any)* | 11 LAB. ANALYSIS NO.

3 NAME AND ADDRESS AND PLANT REGISTRY NO. OR BASIC PERMIT NO. OF APPLICANT

4 TYPE OF APPLICATION *(Check Applicable Box)*

a ☐ CERTIFICATE OF LABEL APPROVAL

b ☐ CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "FOR SALE IN _____ ONLY" *(Fill in State abbreviation)*

c ☐ DISTINCTIVE LIQUOR BOTTLE APPROVAL
TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ *(Fill in amount)*

12 STATE ANY WORDING NOT SHOWN ON LABELS *(Caps, celoseals, etc.)*

PART II – APPLICANT'S CERTIFICATION

The applicant hereby declares under the penalties of perjury that to the best of his/her knowledge and belief all statements appearing in the above application are true and correct and the representations of the labels and in the supplemental documents truly and correctly represent the contents of the containers to which such labels will be applied. Additionally, the applicant for exemption from label approval further certifies that the product will be exclusively disposed of in the State shown in item 4b. and that each container will bear the legend "For Sale in (State shown in item 4b.) only".

13 DATE OF APPLICATION | 14 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

PART III – ATF CERTIFICATE

This certificate is issued subject to applicable laws and regulations and conditions as set forth on the back of this form.

15 DATE ISSUED | 16 SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

FOR ATF USE ONLY

QUALIFICATIONS

TERMINATION DATE *(If Any)*

AFFIX COMPLETE SET OF LABELS BELOW

SAMPLE

ATF F 5100.31 (10-85) REPLACES ATF FORMS 1648, 1649 AND 1650 WHICH ARE OBSOLETE

I. INSTRUCTIONS

1. INSTRUCTIONS. Applications must be printed or typed, signed in ink, and submitted in duplicate to the Product Compliance Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., 20226. For multiple plant locations submit one copy for each location shown in Item 3 and one copy for the Bureau. PHOTOCOPIES OF ATF FORM 5100.31 must be copied front and back and must contain original signatures. Applications must be submitted by the person, firm or corporation which will bottle or pack the distilled spirits, wine, or malt beverages. For products to be imported in original containers, applications must be filed by the importer. All applications for approval of distinctive liquor bottles must include photographs of both the front and back of the bottle. CERTIFICATES OF EXEMPTION ARE NOT ISSUED FOR PRODUCTS IMPORTED IN BOTTLES OR FOR MALT BEVERAGES.

2. LABELS. All labels which will appear on the bottle must be firmly affixed to the form with glue or tape. PRINTERS' PROOFS AND PHOTOCOPIES ARE ACCEPTABLE. If labels are in the form of can flats, a photostatic copy is requested. OVERSIZED LABELS MUST BE REDUCED PRIOR TO AFFIXING TO THE APPLICATION FORM. Indicate in Item 11 that labels have been reduced. DRAFT LABELS (not to be submitted on this form) MAY BE SENT TO THE BUREAU FOR INFORMAL REVIEW PRIOR TO PRINTING.

II. SPECIFIC INSTRUCTIONS

ITEM 1. If you have not been assigned a vendor code, leave this blank. Submit this form with a copy of your ATF Basic Permit.

ITEM 2. A sequential serial number beginning with the last two digits of the current calendar year must be assigned to each set of applications; e.g., 85-1, 85-2, etc.

ITEM 3. Indicate your name and address exactly as it appears on your ATF Permit or Notice. A separate mailing address may appear directly under the required name and address.

ITEM 5. A Brand Name is the name under which the product is sold. If the product is not sold under a brand name, the name of the bottler, packer, or importer becomes the brand name.

ITEM 6. Specify exact designation as required under the standards of identity in 27 CFR Parts 4, 5, and 7.

ITEM 7. A fanciful name is a name in addition to a Brand Name that is used to further identify the product.

ITEM 10. For domestically produced products, show approved formula number. Attach a copy of the approved formula and active riders (except for vermouth and sparkling wines) with the application for label approval. For domestically produced products under a formula but not made by the applicant, a statement giving the name and address of the producer and the formula number may be substituted.

ITEM 11. For imported products which have been analyzed by ATF, show the laboratory number. Attach a copy of the laboratory analysis with the application for label approval.

III. CONDITIONS

1. This certificate covers the products identified and authorizes their removal from the plant where bottled or packed, or from Customs custody for introduction into commerce only under the following conditions:

   a. The trade name of the bottler/importer used on the label has been approved by the Bureau.

   b. FOR CERTIFICATES OF EXEMPTION FROM LABEL APPROVAL, the product will under no circumstances be sold, offered for sale, shipped, delivered for shipment, or otherwise introduced by the applicant, directly or indirectly, into interstate or foreign commerce.

   c. This certificate is issued for Bureau of Alcohol, Tobacco and Firearms use only and does not constitute trademark protection, or relieve any person from liability for violations of the FAA Act and related regulations and rulings.

2. This certificate of label approval covers products in containers bearing a set of labels identical to the set affixed to the face of this certificate. It also covers products in containers bearing labels differing in only the following ways from those affixed to this certificate. (If you wish to make a change that is not listed below, a new label approval is required.)

   a. In shape or proportionate size of labels.

   b. In net content statement.

   c. In name and/or trade name of responsible winery, DSP, brewery, or importer provided the name/trade name has been added to Basic Permit or Brewers Notice.

   d. In name and/or address of the foreign producer, bottler or shipper, if the producer, bottler or shipper is located in the same country originally shown.

   e. In statement of percentage of neutral spirits and name of commodity from which produced.

   f. In proof stated on distilled spirits.

   g. In period of age stated.

   h. In statement of age and percentage on distilled spirits.

   i. In name and registry number of the distiller or spirits bottled in bond.

   j. In stated vintage date of wine or deletion of vintage year. NOTE: If vintage date is deleted no reference to "VINTAGE" may be made on any label affixed to the bottle. VINTAGE DATES MAY NEVER BE ADDED, ONLY CHANGED OR DELETED.

   k. By adding, deleting, or changing on the brand or back label, the name and address or trademark (or both) of the wholesaler, retailer, or persons for whom imported or bottled, or by adding another label stating such information provided that no reference is thereby made to the product or any of its characteristics.

   l. By adding a statement of net contents to the brand, back, or other label corresponding to the required statement shown elsewhere on the labels or blown into the bottle.

   m. In the case of malt beverages, by adding, deleting, or changing a statement of alcoholic content or other wording in the exact form required by the state in which the beverage is to be sold.

   n. In stated amount of sugar at harvest or residual sugar of wines.

   o. In stated bottling date.

   p. In the case of wines, a change in the alcoholic content statement, if within the prescribed limitation for that class or type of wine and within the same taxable grade.

   q. In stated amount of acid or ph level. One or both may be deleted from label.

   r. In adding bonded winery number in direct conjunction with the bottler name and address.

   s. In stated percentages for varietal and/or appellation.

   t. In stated caloric content for wine or distilled spirits.

   u. In stated average anaylsis for malt beverages, provided change is in compliance with Industry Circular 80-5.

   v. By adding or changing U.P.C. Code as permitted by Industry Circular 77-23.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1980. This information collection is used to determine whether a label for alcoholic beverages states required information and does not contain any prohibited information or material as required by Federal laws and regulations administered by ATF. The information required is mandatory by statute (27 U.S.C. 205) and is used to obtain a benefit.

I. INSTRUCTIONS

1. INSTRUCTIONS. Applications must be printed or typed, signed in ink, and submitted in duplicate to the Product Compliance Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., 20226. For multiple plant locations submit one copy for each location shown in Item 3 and one copy for the Bureau. PHOTOCOPIES OF ATF FORM 5100.31 must be copied front and back and must contain original signatures. Applications must be submitted by the person, firm or corporation which will bottle or pack the distilled spirits, wine, or malt beverages. For products to be imported in original containers, applications must be filed by the importer. All applications for approval of distinctive liquor bottles must include photographs of both the front and back of the bottle. CERTIFICATES OF EXEMPTION ARE NOT ISSUED FOR PRODUCTS IMPORTED IN BOTTLES OR FOR MALT BEVERAGES.

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ITEM 5. A Brand Name is the name under which the product is sold. If the product is not sold under a brand name, the name of the bottler, packer, or importer becomes the brand name.

ITEM 6. Specify exact designation as required under the standards of identity in 27 CFR Parts 4, 5, and 7.

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ITEM 10. For domestically produced products show approved formula number. Attach a copy of the approved formula and active riders (except for vermouth and sparkling wines) with the application for label approval. For domestically produced products under a formula but not made by the applicant, a statement giving the name and address of the producer and the formula number may be substituted.

ITEM 11. For imported products which have been analyzed by ATF, show the laboratory number. Attach a copy of the laboratory analysis with the application for label approval.

III. CONDITIONS

1. This certificate covers the products identified and authorizes their removal from the plant where bottled or packed, or from Customs custody for introduction into commerce only under the following conditions:

   a. The trade name of the bottler/importer used on the label has been approved by the Bureau.

   b. FOR CERTIFICATES OF EXEMPTION FROM LABEL APPROVAL, the product will under no circumstances be sold, offered for sale, shipped, delivered for shipment, or otherwise introduced by the applicant, directly or indirectly, into interstate or foreign commerce.

   c. This certificate is issued for Bureau of Alcohol, Tobacco and Firearms use only and does not constitute trademark protection, or relieve any person from liability for violations of the FAA Act and related regulations and rulings.

2. This certificate of label approval covers products in containers bearing a set of labels identical to the set affixed to the face of this certificate. It also covers products in containers bearing labels differing in only the following ways from those affixed to this certificate: (If you wish to make a change that is not listed below, a new label approval is required.)

   a. In shape or proportionate size of labels.

   b. In net content statement.

   c. In name and/or trade name of responsible winery, DSP, brewery, or importer provided the name/trade name has been added to Basic Permit or Brewers Notice.

   d. In name and/or address of the foreign producer, bottler or shipper, if the producer, bottler or shipper is located in the same country originally shown.

   e. In statement of percentage of neutral spirits and name of commodity from which produced.

   f. In proof stated on distilled spirits.

   g. In period of age stated.

   h. In statement of age and percentage on distilled spirits.

   i. In name and registry number of the distiller or spirits bottled in bond.

   j. In stated vintage date of wine or deletion of vintage year. NOTE: If vintage date is deleted no reference to "VINTAGE" may be made on any label affixed to the bottle. VINTAGE DATES MAY NEVER BE ADDED, ONLY CHANGED OR DELETED.

   k. By adding, deleting, or changing on the brand or back label, the name and address or trademark (or both) of the wholesaler, retailer, or persons for whom imported or bottled, or by adding another label stating such information provided that no reference is thereby made to the product or any of its characteristics.

   l. By adding a statement of net contents to the brand, back, or other label corresponding to the required statement shown elsewhere on the labels or blown into the bottle.

   m. In the case of malt beverages, by adding, deleting, or changing a statement of alcoholic content or other wording in the exact form required by the state in which the beverage is to be sold.

   n. In stated amount of sugar at harvest or residual sugar of wines.

   o. In stated bottling date.

   p. In the case of wines, a change in the alcoholic content statement, if within the prescribed limitation for that class or type of wine and within the same taxable grade.

   q. In stated amount of acid or ph level. One or both may be deleted from label.

   r. In adding bonded winery number in direct conjunction with the bottler name and address.

   s. In stated percentages for varietal and/or appellation.

   t. In stated caloric content for wine or distilled spirits.

   u. In stated average anaylsis for malt beverages provided change is in compliance with Industry Circular 80-5.

   v. By adding or changing U.P.C. Code as permitted by Industry Circular 77-23.

PAPERWORK REDUCTION ACT NOTICE

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Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
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Per Sup. 87-1373

T 70.10:86-8

INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: 86-8 Date: May 5, 1986

CURIOS & RELICS UPDATE - 1985

Members of the Firearms Industry and Others Concerned

The following listed firearms have been classified as curios and relics during the period January 1985 through March 1986. This list is an addition to the ATF Publication 5300.11 (12/84). The index below gives the starting page for each section in the 1984 publication:

SECTION		PAGE
I.	Ammunition classified as curios or relics (still under the Gun Control Act of 1968)	1
II.	Firearms classified as curios or relics (still under the Gun Control Act of 1968)	10
III.	NFA weapons removed from the Act as collector's items and classified as curios or relics (still under the Gun Control Act of 1968)	28
IV.	NFA weapons classified as curios or relics (still under the National Firearms Act and Gun Control Act of 1968)	49

SECTION II

Colt, Mark IV, Government Model, commemorative "Michigan State Police 60th Anniversary", 1917-1977. The left side of slide engraved with scroll pattern and depicts 4 modes of transportation; Horse, Motorcycle, Auto and Helicopter, serial numbers 1 of 1608 etc.

Harrington and Richardson, Model 999, revolver, caliber 22 Long rifle, barrel 6 inch, 110th year commemorative, serial number from 001 to 999.

Hopkins and Allen, Model 1901, "FOREHAND", caliber .32 S&W long.

Iver Johnson Arms, Pistol, caliber .380, U.S. Border Patrol 60th Anniversary commemorative, serial USBP 0001 to USBP 5000.

Marlin, Model 336 TS carbine, caliber 30-30, Powell Wyoming 75th anniversary commemorative, having PW serial number prefix.

Remington, Model 12, rifle, caliber .22 short, long rifle, and 22 Remington Special manufactured by Remington Arms, Union Metallic Cartridge Co., Remington Works, Ilion, New York from 1909 to 1936.

Russian (U.S.S.R.), Nagant revolver, model 1895, caliber 7.62 Nagant and .22 caliber, all variations, manufactured by the Tula Arsenal, Tula, Russia, after 1898.

Russian (U.S.S.R.), Tokarev, model TT, 1930, pistol, caliber 7.62, manufactured at the Tula Arsenal, Tula, U.S.S.R., from 1939 through 1956.

Russian (U.S.S.R.), Tokarev, model TT, 1933, pistol, caliber 7.62, manufactured at the Tula Arsenal, Tula, U.S.S.R., from 1933 through 1956.

Russian (U.S.S.R.) Tokarev, model TT R-3, .22 caliber, pistol.

Russian (U.S.S.R.) Tokarev, model TT R-4, .22 caliber, pistol.

Russian (U.S.S.R.), Tula Korovin, Tk, .25 ACP caliber, semi-automatic pistol.

Russian (U.S.S.R.), model 1891, Mosin-Nagant rifles, caliber 7.62 x 54R and .22 caliber, all models and all variations, manufactured after 1898 (i.e., M1891/30, M1910, M1938, and M1944).

Russian (U.S.S.R.), Tokarev, semi-automatic rifle, model 1938 (SVT38), caliber 7.62 x 54R, of Soviet manufacture.

Russian, (U.S.S.R.), Tokarev, semi-automatic rifle, model 1940 (SVT40), caliber 7.62 x 54R, of Soviet manufacture.

Russian (U.S.S.R.), Tokarev, semi-automatic carbine, model 1932 (non-standard), caliber 7.62 x 54R, of Soviet manufacture.

Russian (U.S.S.R.), Tokarev, semi-automatic carbine, model 1940 (SVT40), caliber 7.62 x 54R, of Soviet manufacture.

Russian (U.S.S.R.), Simonov, semi-automatic rifle, model SKS, caliber 7.62 x 39, of Soviet manufacture.

Russian (U.S.S.R.), Dragunov, semi-automatic rifle, model SVD, caliber 7.62 x 54R, of Soviet manufacture, Soviet military issue only.

Smith and Wesson, Model 53, Remington Jet Center Fire Magnum, caliber .22.

Springfield Armory, Inc., Korean War Commemorative .30 Caliber, M1 Garand Rifle with gold plated swivels, rear sight base, windage knob, elevation knob, rear sight aperture and front sight. All other parts blued. Markings indicating reference to the Korean War are on the operating rod and receiver. The stock has a glossy finish and bears a medallion. Serial numbers from KW0001 to KW1000.

Swiss Schmidt Rubin, Model 1911, rifle made into a harpoon gun, caliber 12mm.

Winchester, Model 1894, Texas Sesquicentennial rifle and carbine, caliber .38-55.

SECTION III

Marlin, Model 94, carbine, caliber .32-20, with 15-1/4 inch barrel, serial number 376900.

Winchester, Model 1873, carbine .44-40 with 14 inch barrel, serial number 710976B.

Winchester, Model 1892, carbine, caliber .32-20, with 14 inch barrel, serial number 850556,

Winchester, Model 1892, carbine, caliber .32-20, with 15 inch barrel, serial number 475520, 807957.

Winchester, Model 1892, carbine, caliber .38-40, with 15 inch barrel, serial number 832039.

Winchester, model 1892, carbine, caliber .44-40, with 14 inch barrel, serial number 319250, 323300, 323428, 823943, 842679, 976596, 979227, 980097, 987305.

Winchester, Model 1892, carbine, caliber .44-40, with 15 inch barrel, serial number 414906, 756846, 997305.

Winchester, Model 1894, carbine, caliber .30-30, with 15 inch barrel, serial number 368971, 447421, 495342, 839880, 1013465, 1021495, 1052749.

SECTION IV

Brevettata, Model F.N.A.- B 1943, submachinegun, caliber 9mm Parrabellum, with an 8" barrel, serial number 5391.

Browning automatic rifle (BAR), Model 1918A2, manufactured by New England Arms Corporation prior to 1946.

Chinese manufactured copy of the U.S. 60mm mortar manufactured prior to 1946.

Russian (U.S.S.R.), Federov, automatic rifle, model 1916 AVF (Avtomat), caliber 6.5 x 50.5SR (6.5mm Japanese), of Russian manufacture.

Russian (U.S.S.R.), Simonov, automatic rifle, model 1936 AVS (AVS36), caliber 7.62 x 54R, of Soviet manufacture.

Russian (U.S.S.R.), Tokarev, automatic rifle, model 1940 AVT (AVT40), caliber 7.62 x 54R, of Soviet manufacture.

Russian (U.S.S.R.), Stechkin, automatic pistol, model APS, caliber 9 x 18 (Makarov), of Soviet manufacture.

United Defense Supply Corporation, Model U.D. 42, sub-machinegun, caliber 9mm Parabellum, as manufactured by Marlin Firearms Company, New Haven, Conn.

U.S. M 4 Survival Rifle, caliber .22 Hornet, as issued by the government, manufactured in the United States and Canada by Harrington and Richardson Arms Company.

Inquiries concerning this circular should refer to its number and be addressed to the Associate Director (Compliance Operations), Bureau of Alcohol Tobacco and Firearms, Room 7209, Washington, DC 20226.

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Director